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NEWS RELEASE

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FEDERAL COURT DISMISSES OVERTIME CLAIMS OF MORE THAN 700 SAN DIEGO POLICE OFFICERS

San Diego, CA—The breach of contract and overtime pay claims of more than 700 City of San Diego police officers were dismissed by a federal court. As a result of the court's ruling, the City will avoid potential liabilities that were estimated by the plaintiffs to be in excess of \$50 million.

The lawsuit, brought by approximately 1,500 San Diego Police officers, was filed in 2005. The officers alleged that the City intentionally violated federal labor laws and their collective bargaining agreement by not paying the officers all of their overtime pay for certain activities.

United States District Court Judge Dana Sabraw ruled yesterday that the police officers were obligated to comply with the grievance procedures specified in their collective bargaining agreement prior to filing a lawsuit for breach of the collective bargaining agreement. The officers failed to do so.

Judge Sabraw also ruled that the City is entitled to judgment in its favor on the related federal Fair Labor Standards Act claims of more than 700 of the 1,500 police officers. The court determined that, under federal law applicable to public safety officers, the amount of the police officers' alleged uncompensated overtime did not exceed the weekly threshold of work hours.

Meanwhile, the additional overtime claims of the remaining police officers are scheduled for a jury trial in early January 2009.

Today's ruling follows several previous rulings in which the federal court has ruled in the City's favor. Among other things, the officers claimed that they should have been paid for the time they spent during the last several years putting on and removing their police uniforms and safety gear. Last November, the court concluded that the officers' dressing and undressing time is not compensable under federal law.

To view the court's ruling, Marcus R. Abbe, et al., vs. City of San Diego, Case No. 05cv1629 DMS (JMA), visit www.sandiegocityattorney.org, click Significant Reports and Legal Documents.

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